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|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/575,517             | RYAN, DAVID         |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | MARIE GEORGES HENRY    | 2155                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 April 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 19-45,50,53,56 and 57 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 19-45, 50, 53,56,57 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) 1-57 are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. <u>8/2008</u> .                             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application  |
| Paper No(s)/Mail Date <u>4/13/2006</u> .   | 6) <input type="checkbox"/> Other: _____.                          |

## **DETAILED ACTION**

1. Claims 1-57 are presented for examination.

### **Election/Restrictions**

During a telephone conversation with Mr. Michael Jaffe, registration n. 36,326, on July 7, 2008 a provisional election was made without traverse to prosecute the invention of computer system and methods therefor, claims 19-31, 32-44, 45, 50, 53, 56, 57 . Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-7, 8-10, 11-14, 15-18, 46, 47, 48, 49, 51, 52, 54, 55 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-7, 11-14, 15-18, 46, 47, 49, 51, 52, 54, 55, drawn to computer system and methods therefor classified in class 709, subclass 250.
- II. Claims 8-10, 48, drawn to interface systems for communication device interface, classified in class 709, subclass 230.
- III. Claims 19-31, 32-44, 45, 50, 53, 56, 57, draw to formatting data system, class 709, subclass 246.

The inventions are distinct, each from the other because of the following reasons:

### **Subcombination-Usable Together**

3. Inventions I, II, and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as encoding instructions in a stream based communication. Invention II is a system interface for devices. Invention III is directed to transmission of metadata. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classifications, restriction for examination purposes as indicated is proper.

5. During a telephone conversation with Mr. Michael Jaffe, registration no. 36326, on July 7, 2008, a provisional election was made without traverse to prosecute the invention of computer system and methods therefor, claims 19-31,32- 44, 45, 50, 53, 56, and 57. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-7, 8-10, 11-14, 15-18, 46, 47, 48, 49, 51, 52, 54, and 55 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

**Claim Rejections - 35 USC § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 19-45, 50, 53, 56, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by **Hütsch et al.** (hereinafter “Hütsch”) (**US 6,363,417 B1**).

*Hütsch discloses the invention substantially as claimed including computer system and methods therefor (see abstract).*

Regarding claim 19, Hütsch discloses a communications format for use in providing communication between at least two devices, the format comprising: a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format (Hütsch, column 7, lines 57-62, different types and formats of data, from different applications, can all be accessed and processed, from a single user interface),

and a second portion representing metadata for defining a meaning to be given to the first portion, the meaning given to the second portion being definable for each communication (Hütsch, column 10, lines 17-24, a user interface is defined via different XML, HTLM, or WML templates and/ or stylesheets that present a content in the form required by a client device).

Regarding claim 20, Hütsch discloses a format as claimed in claim 19, wherein the second portion is adapted to be rendered and communicated in an electronically communicable format, such as binary format (Hütsch, column 10, lines 17-24, a user interface is defined via different XML, HTLM, or WML templates and/ or stylesheets that present a content in the form required by a client device).

Regarding claim 21, Hütsch discloses a format as claimed in claim 19, wherein the definition given to the second portion is selectable from a set of at least one definitions (Hütsch, column 10, lines 17-24, selected templates and/ or stylesheets present a content in the form required by client device are such XML, HTLM, or WML templates and or/ stylesheets).

Regarding claim 22, Hütsch discloses a format as claimed in claim 19, wherein the first and second portions are communicated in separate transmissions (Hütsch, column 10, lines 30-36, the top manager retrieves a selected stylesheet that can be displayed in the

client device; the information in the retrieved content is in a format such as the information could be extracted and placed in the template).

Regarding claim 23, Hütsch discloses a format as claimed in claimed in claim 19, wherein the second portion represents a selection of at least one meaning to be given to the first portion (Hütsch , column 10, lines 40-43, the dynamic filter converts the original retrieved content and places it into a template or transforms it using a stylesheet).

Regarding claim 24, Hütsch discloses a format as claimed in claim 23, wherein the meaning to be given to the first portion is stored in at least one of the two devices (Hütsch, column 10, lines 26-28, the web-top manager loads the template into the client device).

Regarding claim 25, Hütsch discloses a communications format as claimed in claim 19, wherein the second portion further provides information on reading the data (Hütsch, column 10, lines 31-32, the stylesheet transform the content into a format that can be displayed on a client device).

Regarding claim 26, Hütsch discloses a format as claimed in claim 19, wherein the second portion is a tag(s) (Hütsch, column 32, lines 40-45, near the top of the template is a set of JSP directives that are followed by the HTML header definition and

tag<body>).

Regarding claim 27, Hütsch discloses a format as claimed in claim 26, wherein the tag(s) is an element of a map providing correlation to stored information defining the second portion (Hütsch, column 42, lines 35-44, one or more LDAP and /or RDBMS queries (spanning a number of table) internally or it maps to one or more XML files and LDAP entries).

Regarding claim 28, Hütsch discloses a format as claimed in claim 27, wherein the map is adapted to map an external identifier to an internal identifier (Hütsch, column 61, lines 11-26, a system is described that matches the interface identifier with the content identifier).

Regarding claim 29, Hütsch discloses a format as claimed in claim 19, wherein the metadata is serializable for communication between the devices (Hütsch, column 58, lines 5-11, ConfigurationUpdates are serialized).

Regarding claim 31, Hütsch discloses a format as claimed in claim 19, wherein the format only describes the data (Hütsch, column 10, lines 43-45, the generation of dynamic data filters facilitates processing a broad range of contents with different formats).

Regarding claim 32, Hütsch discloses a method of communicating between at least two devices, the method comprising the steps of: providing a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format (Hütsch, column 7, lines 57-62, different types and formats of data, from different applications, can all be accessed and processed, from a single user interface),

and providing a second portion representing metadata for defining a meaning to be given to the first portion, the meaning given to the second portion being definable for each communication (Hütsch, column 10, lines 17-24, a user interface is defined via different XML, HTLM, or WML templates and/ or stylesheets that present a content in the form required by a client device).

Regarding claim 33, Hütsch discloses a method as claimed in claim 32, wherein the second portion is adapted to be rendered and communicated in an electronically communicable format, such as binary format (Hütsch, column 10, lines 17-24, a user interface is defined via different XML, HTLM, or WML templates and/ or stylesheets that present a content in the form required by a client device).

Regarding claim 34, Hütsch discloses a method as claimed in claim 32, wherein the definition given to the second portion is selectable from a set of at least one definitions (Hütsch, column 10, lines 17-24, selected templates and/ or stylesheets present a

content in the form required by client device are such XML, HTLM, or WML templates and or/ stylesheets).

Regarding claim 35, Hütsch discloses a method as claimed in claim 32, wherein the first and second portions are communicated in separate transmissions (Hütsch, column 10, lines 30-36, the top manager retrieves a selected stylesheet that can be displayed in the client device; the information in the retrieved content is in a format such as the information could be extracted and placed in the template). .

Regarding claim 36, Hütsch discloses a method as claimed in claim 32, wherein the second portion represents a selection of at least one meaning to be given to the first portion (Hütsch, column 10, lines 40-43, the dynamic filter converts the original retrieved content and places it into a template or transform it using a stylesheet).

Regarding claim 37, Hütsch discloses a method as claimed in claim 36, wherein the meaning to be given to the first portion is stored in at least one of the two devices (Hütsch, column 10, lines 26-28, the web-top manager loads the template into the client device).

Regarding claim 38, Hütsch discloses a method as claimed in claim 32, wherein the second portion further provides information on reading the data (Hütsch, column 32, lines 40-45, near the top of the template is a set of JSP directives that is followed by the

HTML header definition and tag<body>).

Regarding claim 39, Hütsch discloses a method as claimed in claim 32, wherein the second portion is a tag(s) (Hütsch, column 32, lines 40-45, near the top of the template is a set of JSP directives that is followed by the HTML header definition and tag<body>).

Regarding claim 40, Hütsch discloses a method as claimed in claim 39, wherein the tag(s) is a map providing correlation to stored information defining the second portion (Hütsch , column 42, lines 35-44, one or more LDAP and /or RDBMS queries (spanning a number of table) internally or it maps to one or more XML files and LDAP entries ) .

Regarding claim 41, Hütsch discloses a method as claimed in claim 40, wherein the map is adapted to map an external identifier to an internal identifier (Hütsch, column 61, lines 11-26, a system is described that matches the interface identifier with the content identifier).

Regarding claim 42, Hütsch discloses a method as claimed in claim 32, wherein the metadata is serializable for communication between the devices (Hütsch, column 58, lines 5-11, ConfigurationUpdates are serialized).

Regarding claim 44, Hütsch discloses a method as claimed in claim 32 wherein the format only describes the data (Hütsch, column 10, lines 43-45, the generation of dynamic data filters facilitates processing a broad range of contents with different formats).

Regarding claim 45, Hütsch discloses an architecture for a communication device, the architecture comprising: a programming layer for communications internal to the device, a communications layer for communications external to the device, wherein the external communications are in accordance with the format: a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format (Hütsch, column 7, lines 57-62, different types and formats of data, from different applications, can all be accessed and processed, from a single user interface),

and a second portion representing metadata for defining a meaning to be given to the first portion, the meaning given to the second portion being definable for each communication (Hütsch, column 10, lines 17-24, a user interface is defined via different XML, HTLM, or WML templates and/ or stylesheets that present a content in the form required by a client device).

Regarding claim 50, Hütsch discloses apparatus adapted to communicate via a format comprising: a first portion representing data, the first portion being adapted to be

rendered and communicated in an electronically communicable format, such as binary format, and a second portion representing metadata for defining a meaning to be given to the first portion, the meaning given to the second portion being definable for each communication (Hütsch, column 10, lines 17-24, a user interface is defined via different XML, HTLM, or WML templates and/ or stylesheets that present a content in the form required by a client device),

said apparatus including: processor means adapted to operate in accordance with a predetermined instruction set, said apparatus, in conjunction with said instruction set, being adapted to perform the communication (Hütsch, column 7, lines 57-62, different types and formats of data, from different applications, can all be accessed and processed, from a single user interface).

Regarding claim 53, Hütsch discloses a computer program product including: a computer usable medium having computer readable program code and computer readable system code embodied on said medium for providing communications within a computer system (Hütsch, column 7, lines 54-55 a computer with specialized software installed is disclosed),

said computer program product including: computer readable code within said computer usable medium being adapted to communicate via a format comprising: a first portion representing data, the first portion being adapted to be rendered and communicated

in an electronically communicable format, such as binary format (Hütsch, column 7, lines 57-62, different types and formats of data, from different applications, can all be accessed and processed, from a single user interface), and a second portion representing metadata for defining a meaning to be given to the first portion, the meaning given to the second portion being definable for each communication (Hütsch, column 10, lines 17-24, a user interface is defined via different XML, HTLM, or WML templates and/ or stylesheets that present a content in the form required by a client device).

Regarding claim 56, Hütsch discloses apparatus adapted to provide communications from a first device to a second device, said apparatus including: processor means adapted to operate in accordance with a predetermined instruction set, said apparatus, in conjunction with said instruction set (Hütsch, column 7, lines 54-55 a computer with specialized software installed is disclosed),

being adapted to perform a method comprising the steps of: providing a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format (Hütsch, column 7, lines 57-62, different types and formats of data, from different applications, can all be accessed and processed, from a single user interface) ,

and providing a second portion representing metadata for defining a meaning to be given to the first portion, the meaning given to the second portion being definable for each communication (Hütsch, column 10, lines 17-24, a user interface is defined via different XML, HTML, or WML templates and/ or stylesheets that present a content in the form required by a client device).

Regarding claim 57, Hütsch discloses a computer program product including:  
a computer usable medium having computer readable program code and computer readable system code embodied on said medium for providing communications from a first device to a second device within a computer system (Hütsch, column 7, lines 54-55  
a computer with specialized software installed is disclosed),

said computer program product including: computer readable code within said computer usable medium for performing a method comprising the steps of: providing a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format (Hütsch, column 7, lines 57-62, different types and formats of data, from different applications, can all be accessed and processed, from a single user interface),

and providing a second portion representing metadata for defining a meaning to be given to the first portion, the meaning given to the second portion being definable for each communication (Hütsch, column 10, lines 17-24, a user interface is defined via

different XML, HTML, or WML templates and/ or stylesheets that present content in the form required by client device).

**Claim Rejections - 35 USC § 103**

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 30 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hütsch** in view of **Kaars (US 2003/0056010 A1)**.

*Hütsch discloses the invention as claimed including computer system and methods therefor (see abstract).*

Regarding claim 30, Hütsch discloses a format as claimed in claim 19.

However, Hütsch does not disclose a format wherein the metadata comprises metadata.

Kaars discloses a downstream metadata altering system where the original metadata is modified (Reference to [0022]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement Kaars metadata system into Hütsch system in order to create a communications format with metadata feature in order to replace an outdated version of a piece of content.

Regarding claim 43, Hütsch discloses a method as claimed in claim 32.

However, Hütsch does not disclose a method wherein the metadata comprises metadata.

Kaars discloses a method downstream metadata altering method where the original metadata is modified (Reference to [0022]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement Kaars metadata system into Hütsch system in order to create a communications format with metadata feature in order to replace an outdated version of a piece of content.

10. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure. Friedman et al. (US 2003/ 0208556 A1) is made part of the record because of the teaching of sending formatted data. Grobman (US 2004/0010543

A1) is made part of the record because of the teaching of metadata. Krishnamurthy (US 2003/0195987 A1) is made part of the record because of the teaching of mapping identifiers. Brown et al. (US 7,290,267 B2) is made part of the record because of the teaching of multi-protocol object distribution. Howard et al. (US 6,363,417 B1) is made part of the record because of the teaching of identifier.

### **Conclusion**

11. Any inquiry concerning this communication from the examiner should be directed to **Marie Georges Henry whose telephone number is (571) 270-3226**. The examiner can normally be reached on Monday to Friday 7:30am - 4:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marie Georges Henry/

Examiner, Art Unit 2155

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2155